

A bill for relief of John P. Gill. Read 2nd time and passed to 3rd reading.

The Senate then adjourned until 10 o'clock A. M. tomorrow.

Saturday, January 11, 1862.

Senate met pursuant to adjournment. Prayer by the Chaplain, roll called, quorum present. Journal of yesterday read and adopted.

The Senate refused to concur in amendment of House to bill to regulate the public printing. Messrs. Harcourt, Scarborough, and Crawford of Jasper were appointed as a Committee of Conference.

The vote passing the bill to provide for military purposes was reconsidered when Mr. Lea offered the following amendment, which was adopted: "Any bonds which may be disposed of under the provisions of this Act shall be substituted by equal amounts of the bonds of the Confederate States of America that may be obtained by this State, and the bonds so substituted respectively shall be in all respects in place of the funds disposed of as aforesaid."

The Judiciary Committee returned sundry bills and memorials not acted upon. The House refused to agree to Senate's substitute for bill appropriating money derived from State revenue for military purposes; adopts report of Committee of Conference on revenue bill; passed Senate bill amendatory of Act to regulate the public printing.

Messrs. Lea, Shelley, and Parsons were appointed Committee of Conference on first named bill.

The Committee on Internal Improvements reported adversely to a bill to amend an Act to incorporate the East Texas Railroad Company and recommended the passage of a bill amendatory of an Act to incorporate the Trinity Valley Railroad Company.

The Committee on Enrolled Bills reported the following correctly enrolled, properly signed, and presented to the Governor:

A bill for relief of heirs of John White.

A bill to extend the provisions of an Act providing for the incorporation of towns and cities to the town of Sumpter in Trinity County.

A bill for relief of heirs of Charles Clark.

A bill for relief of certain railroad companies.

A bill concerning the disposal of certain funds therein described.

A bill to incorporate the Aransas Salt Works Company.

A bill authorizing Comptroller to audit and settle accounts of several camps of instruction, &c.

A bill to amend Article 7 of Code of Criminal Procedure.

A bill for relief of Sampson & Henricks and S. M. Swenson.

A bill providing what kind of funds may be received for government dues.

A bill making an appropriation for mileage and *per diem* pay of members of 9th Legislature.

A bill for relief of James P. Gill. Read 3rd time and passed.

A bill to provide for issuing duplicate and original bounty land warrants, &c., was taken up. Read 2nd time and postponed until 3½ o'clock P. M.

Mr. Harcourt made the following report:

The Joint Committee of the two Houses to whom was referred the joint resolution instructing our Senators and Representatives in the Confederate Congress to exert their influence in the passage of a law making Confederate Treasury notes a legal tender have had the same under consideration and are of opinion that the resolution should not pass.

The vote concurring in the House amendment to a bill to create a hospital fund was reconsidered and the amendment refused.

A bill to incorporate the Texas Lead Mine Company with amendment from the House. Amendment concurred in.

Mr. Lea introduced a bill to regulate funding in loan bonds. Read 1st time. Rule suspended, read 2nd time. Rule further suspended, read 3rd time and passed.

A bill to repeal a certain Act in this Act specified. Read 1st time. Rule suspended, read 2nd time. Rule further suspended, read 3rd time and passed.

A bill providing for pay of Captain Milton Webb's company. Read 2nd time. Rule suspended, read 3rd time and passed.

Mr. Guinn introduced a bill to prescribe the duties of Commissioner of the General Land Office in certain cases. Read 1st time. Rule suspended, read 2nd time. Rule suspended, read 3rd time and passed.

A bill for relief of William B. Green. Read 2nd time and ordered to 3rd reading. Rule suspended, read 3rd time and lost by a vote of 14 nays to 12 yeas.

House agrees to Senate amendments to a bill for relief of John P. Gill.

A bill to fix the salaries of officers and clerks therein named.

A bill amendatory of Act to provide for a loan, and have passed bill to authorize clerk in Treasury office to sign the name of Treasurer in certain cases.

And a bill to authorize J. W. Flanigan and his associates to construct a bridge across the Sabine River.

The number of miles claimed by the respective Senators are as follows:

Mr. Batte .....	750 miles	Mr. Guinn .....	525 miles
Mr. Beasley .....	700 miles	Mr. Harcourt ....	230 miles
Mr. Boyd .....	300 miles	Mr. Hartley .....	500 miles
Mr. Branch .....	360 miles	Mr. Houston .....	120 miles
Mr. Burnett .....	500 miles	Mr. Jordan .....	360 miles
Mr. Casey .....	700 miles	Mr. Lea .....	250 miles
Mr. Cook .....	1600 miles	Mr. Mitchell .....	160 miles
Mr. Crawford		Mr. Moore .....	800 miles
of Fannin .....	700 miles	Mr. Obenchain....	460 miles
Mr. Crawford		Mr. Parsons .....	600 miles
of Jasper .....	600 miles	Mr. Reed .....	240 miles
Mr. Darden .....	120 miles	Mr. Scarborough	1000 miles
Mr. Dickson .....	500 miles	Mr. Selman .....	600 miles
Mr. Durant .....	430 miles	Mr. Shelley .....	0 miles
Mr. Erath .....	220 miles	Mr. Shepard .....	200 miles
Mr. Finlay .....	340 miles	Mr. Weatherford	425 miles
Mr. Graham .....	550 miles	Mr. Wheeler .....	600 miles

Mr. Casey offered a resolution giving the Senate chamber in charge of the Secretary during the vacation of Senate and giving him two porters for two days after adjournment. Adopted.

The Military Committee reported a bill for relief of Captain Ballou's company and Captain J. J. Good's company without amendment for the action of the Senate. The bill was taken up, and Mr. Weatherford offered the following amendment: "provided that the Comptroller shall audit the claims of Captain John J. Good's company, officers, and privates for 36 days service in going to San Antonio under a call of Governor Clark." Adopted, and bill ordered to 3rd reading. Rule suspended, read 3rd time and [passed].<sup>18</sup>

Senate adjourned until 3 o'clock P. M.

<sup>18</sup>The journal manuscript has the word "passed" scratched out. Although the outcome of the bill at this point is unclear, ultimately the bill did not become law.

3 o'clock P. M.

Senate met, roll called, quorum present.

A motion to lay the bill under consideration on the table was negatived by a vote of 13 nays and 11 yeas.

Mr. Hartley offered the following amendment: "and all other men who joined any of the expeditions or was present participating in any of the military movements for the capture of the United States forces in this State and the forts, arms, munitions of war, and other property of the United States within the territory of Texas in obedience to a call from the properly authorized officer of the Government of the State of Texas."

Mr. Harcourt moved to indefinitely postpone the bill Lost. A call of the Senate was made and sustained and the Senate not being full.

A bill to provide for the organization of the lunatic asylum was taken up. Read 2nd time. Rule suspended, read 3rd time and passed.

The following reports were presented and read, to wit:

### REPORT OF MAJORITY

**To the Speaker of the House of Representatives  
and President of the Senate:**

The Joint Committee appointed by the two Houses have had under consideration the facts and circumstances contained in and connected with the late veto message of the Governor and beg leave to report that certain statements in said veto message are, in the opinion of the committee, very well calculated to make improper impressions on the public mind and place the Legislature in a wrong position. The bill which the Governor saw proper to veto in its first section appropriates the sum of eighty thousand dollars **or so much thereof as may be necessary** to the payment of the members and officers of the 9th Legislature. Yet the Governor in his message so states the matter as to make the impression that the Legislature had made an absolute appropriation of eighty thousand dollars for the purpose above stated. The Governor certainly well knew that it was impossible for the Legislature to know exactly what sum it would require to pay the members and officers, and that the clerks of each House could alone know after the Legislature had adjourned by counting the number of days which each member had served and the

number of miles traveled by each in coming to and returning from the seat of Government, and that being true, the appropriation had to be made in the form in which it was made, and it depended altogether upon how long the Legislature might remain in session whether it would require one-fourth, one-half, or the whole of said sum; and yet in the veto message it is so stated as to leave the impression that the said sum would be taken anyhow. Again, it seems to your committee that the impression which would naturally be made upon reading the said message would be that this 9th Legislature had, so far as certain funds are concerned, acted not only without precedent but, actuated by supreme selfishness, had trampled upon the rights of unprotected minors and orphans.

Your committee find that the 8th Legislature did, in the month of January last, by an Act approved by the then Governor, appropriate the sum of nine thousand seven hundred and sixty-eight dollars and 62 cents, it being the proceeds of the sale of University lands then in the Treasury, and also the sum of seventeen thousand three hundred dollars and 30 cents, it being the fund accumulated from the estates of deceased persons then in the Treasury, to the payment of mileage and *per diem* of members of said Legislature.

These two large amounts were then and thus appropriated, upwards of nine thousand from one and over seventeen thousand from the other fund, and that as recently as last January, while the Governor might have known and perhaps did know from information given him that the fund appropriated by the bill which he vetoed from the sale of the University land was only one thousand five hundred and twenty dollars, and the amount arising from estates of deceased persons was only one hundred and fifty-nine dollars and 84 cents, rather **small** game your committee think to call forth such a heavy discharge of artillery.

As to outraging the rights of unprotected orphans and minors, your committee would say that the fund arising from the estates of deceased persons can only reach the State Treasury on a considerable lapse of time after the death of the owner, after a proper qualification on such estate, and after advertising in the newspapers calling upon all persons, whether creditors or heirs, to come forward and claim such estates and when after the proper time has transpired and no owner comes to claim said estate,

then and not till then can it be paid into the Treasury; and when so paid in, it becomes subject to appropriation by the Legislature, the State, it is true, still holding itself bound to account to the heirs who may, by suit in the proper court in the county where said administration was opened, prove themselves the rightful heirs to such estate, but such judgment can as well be paid out of any other funds in the Treasury not otherwise appropriated as out of the funds arising from said estate. And so far as the fund arising from the sale of University land is concerned, your committee would state: the funds thus accruing have been before and may be again appropriated to ordinary purposes of legislation. But to avoid all difficulty on the subject, the bill which the Governor vetoed required the Treasurer of the State to place in the room and stead of the funds so applied the bonds of the State for a like amount, thus making the State debtor to these very funds for the identical sums so withdrawn. Now if the Governor regards the State of Texas as honest and solvent, then these funds were made perfectly safe, but if the State be dishonest and insolvent then they were irretrievably lost.

School funds much more sacred, really guarded by provisions of the Constitution, have been lent to railroad companies, and why might not the State borrow money lying idly in the Treasury so that it might be put in circulation among the people? But then, the Governor asks in his message, who is to draw these bonds? To whom are they to be made payable? How much interest, if any, are they to bear? The answer to all these questions is: the bill provides that the State Treasurer is to make the bonds; the bonds were to be made payable to the same parties to whom the funds withdrawn were payable, and as to interest, the Governor surely knows the money lying idle in the Treasury does not bear interest, neither should the State bonds given therefor bear interest.

But again, as the railroad sinking fund, which has been, not by the Constitution but by Act of the Legislature, appropriated to school purposes, now, if by an Act of the Legislature it was thus appropriated, it will be at once seen that by another Act it might be otherwise applied; and it should be remembered that the same Act which appropriated the fund forbids it to be distributed amongst the counties and requires it to remain in the Treasury for investment; not being a part of the school fund guarded by the Constitution, it is misnamed by the Governor when

he speaks of it as a **sacred** fund. Again, it seems from the message that the Governor had learned from some unofficial source that the bill was hastily passed through the Legislature without being referred to committee. If His Excellency will in **official** documents make statements drawn from **unofficial** sources, he should at least try to get the information from truthful and well informed sources. The journals of the House show that the whole subject of mileage and **per diem** was referred to Select Committee of the House, of which L. F. Price was chairman, to be considered of and reported upon, and that the bill vetoed by the Governor was prepared by the committee and reported to the House, and the journals of the Senate show that the bill, when received by the Senate was referred to the Finance Committee of which Pryor Lea was chairman, of the standing committee of that body, by them acted upon, reported back to the Senate, and passed. **These being the facts** it will be clearly seen that the information which the Governor based the charge of hasty legislation upon was either not truthful or he was not well informed. The House had, before passing this bill, passed one making all Treasury warrants receivable for all taxes and all State dues, and the provisions of the bill which was vetoed was in exactly the same language of the bill already passed. How then could the Governor say that the members of the Legislature had provided to pay themselves in better State paper than others were to be paid in? It may be answered that this bill making all Senate warrants receivable for taxes, &c., had not reached the hands of the Governor, and that he could not, therefore, know of its existence, but then it seems from the message that the Governor not only has **unofficial** information of what the Legislature is doing but bases in part his action upon such information. Through this same source he might and ought to have learned that the House had passed a bill putting all upon the same footing and thus have saved the Legislature from the cutting and unwarranted imputation.

The bill which the Governor vetoed would, if it had become law, have given the members and officers some forty or fifty dollars apiece in money and the balance in State Treasury warrants or drafts in [on] the assessors and collectors of their respective counties. The board and necessary expenses of the most economical members would have been much more than the amount of money thus received, including the \$80 already received.

The whole amount of money which would have been appropriated by the bill was \$8402.95 and not \$80,000 as might be thought from the veto. As to drafts on the assessors and collectors of the different counties, the Governor had already sanctioned that plan by approving a bill paying the presidential electors who came to Austin to cast the vote of the State and to which the Governor in the message does not object.

The committee are unwilling to believe that the Governor intended to place the Legislature in a wrong position or false light, but they think that such will be the effect of the veto message which is now published to the world, and, therefore, recommend that this report be entered upon the journals of each House and that the **Houston Telegraph, Galveston News, The Civilian and Gazette**, and other papers in this State be requested to publish it, all of which is respectfully submitted.

L. F. Price, Chairman, House Comimittee

Z. Hunt

I. Dansby

J. W. Stell

A. S. Broaddus

J. W. Durant, Chairman, Senate Committee

J. H. Parsons

#### MINORITY REPORT

Committee Room, January 9, 1862.

**Honorable J. W. Crockett, President, Senate, and  
Honorable N. H. Darnell, Speaker, House of  
Representatives:**

By a resolution adopted at the present session a Joint Committee of the Senate and House of Representatives was appointed to consider of and report the facts in relation to the veto by his Excellency Governor Lubbock of the bill to pay the members and officers of the Legislature the mileage and *per diem*.

The undersigned minority of such committee respectfully protest against the action of the Legislature in the premises believing it unnecessary and uncalled for and contrary to the genius and policy of our republican government. The action of the Governor has undergone the investigation prescribed by the Constitution—his own veto has been considered by the two Houses—their voice united with his in opposing the measure, and thus it was defeated in the very mode prescribed by the **Magna Carta** of our

liberties. And we would say, with all due deference to the voice of the majority, that the whole subject so far as the bill and veto are concerned ought to have rested here. But obeying the authority of the Houses we have considered the subject of the resolution and exceedingly regret that we are called upon to differ with the majority of the committee composed of gentlemen of equally honest motives and of superior ability to ourselves. Had the committee simply inquired into and reported the facts, as we think was evidently the intent and purpose of the resolution, and not endeavored to support the result of their investigation by an elaborate argument, we doubt not that the committee could have entirely agreed, and we hope it will not be considered out of place for us to state that the undersigned were willing to this course and proposed to report the facts as they actually existed without note or comment. If the message did the Legislature injustice by incorrect statements we are sure its author would cheerfully acquiesce in the correction. And while we accord to the majority the right to differ with us as to the proper course to be pursued and agree that the facts stated by the majority are in the main correct, yet the statement is accompanied by such arguments and couched in such language that we feel constrained to withhold our endorsement of this report. What harm could possibly result to the Legislature by a simple statement of facts? Truth is generally the more readily seen and more highly appreciated when presented in simple garb, and the effort to support it by skillful and ingenious arguments leads us to suspect that those presenting the arguments are not entirely satisfied with their position or else they believe others have not the capacity to appreciate the truth without the aid of argument.

It is admitted by the entire committee that His Excellency did not intend to do injustice to the Legislature, and, if his language was calculated to do what was not intended, **certainly** a **statement** of facts was all that was necessary. If the Governor used expressions or arguments in his message in which we could not concur, it was certainly his prerogative to do so. The Constitution makes it his duty to veto measures under certain circumstances and to return the measure vetoed, together with his reasons therefor, to the House in which it originated. Shall the Legislature dictate to the Executive what reasons he shall assign or what words he shall use in exercising the powers conferred upon him? The two branches of the Legislature in the discussion of subjects use such weapons in advocat-

ing or opposing them as seem best, and certainly we do not dictate to each other herein. The Executive is a co-ordinate department and a part of the legislative power; and if he withhold from our acts his sanction necessary to give them validity, is he not allowed to present in respectful terms his reasons for dissenting?

The arguments by the majority of the committee are such as were used in opposition to the veto message, and some at least of the reasons given in the veto are those used by the opponents of the bill. Hence we trust we will be pardoned if we state the facts and circumstances of the matter.

The Act says that \$80,000 or as much thereof as may be necessary shall be appropriated to the payment of the officers and members of the 9th Legislature. The majority complain that the message did not quote the words "or as much thereof as may be necessary" and that without the use of these words the public would infer that we would use the entire sum. Have the majority concluded that the common people have no sense and that they are unable to comprehend the idea that, although we might appropriate that sum, we could not use it unless our dues amounted to it? The Executive doubtless gave the people credit for their comprehension and hence did not think it necessary to quote the precise words of that part of the Act to which he made no objection. What sort of funds does the Act appropriate to ourselves? **First**, we lay hold upon money derived from sales of University lands, funds provided by the Legislature for the free education of the children of the country. **Secondly**, the Act takes money from the estates of decedents, when these funds are liable to be called for at any moment. Judgments are now in force against the State Treasurer for a portion of these very funds, and we are informed by that official that there are about six applications annually by those entitled, and are, of course, liable to be made at any time.

Escheated property is much in the same condition, and this and the last named belong doubtless in many cases to minors and orphans. We know that the law sets apart these two funds and provides the method for the claimants to reach them, and, being advised that applications have in the past been made and that there are judgments now against those funds, are we not safe in saying that a portion of them at least may seen be claimed?

But the majority say that the Act provides for supply-

ing the funds so drawn, and that the Governor ought not to intimate that the State paper so supplied is of less value than the cash. Suppose that the State paper is not equal to cash. Does not this Act take one currency and supply its place with another that is depreciated? But waiving the question as to the value of State paper, we would ask the majority of the committee, why do they propose to take cash that belongs to others and supply its place with State bonds if the latter are equal to cash? Why don't we take the bonds at once and save the circumlocution? The reason is obvious.

As to the Sinking Fund we would say that by Act of January 31, 1854, two million of dollars of the 5 per cent United States bonds are set apart as a special school fund, and the interest thereon was to be appropriated to common schools. By the Act of 13th August, 1856, this special fund was to be loaned to railroad companies and two per cent interest thereon to be paid annually, and this interest constituted the Sinking Fund to be applied towards the payment of the loan at its maturity so constituting the Sinking Fund to be credited to the roads. Then by Act of February 13, 1860, this Sinking Fund so paid by the roads was, by their consent, to be entered as credits on their bonds and to go in extinguishment of so much of the bonds and interest of two per cent, and its accumulations were to be placed as a credit to the special school fund. The roads have many of them given their consent, and thus this Sinking Fund has become part and parcel of the special school fund.

By Act of August 29, 1856, this special school fund and the general fund derived from one-tenth of the annual taxes are declared to be one. Then by section 2, Article 10 of the Constitution, it is provided that this general fund shall be appropriated to the support of free public schools, and no law shall ever be made diverting said fund to any other use. If the general fund is thus sacred, and the Sinking Fund which is the special school fund is made the same as the general fund—the twain made one—is not the Sinking Fund become sacred as the general school fund is? But the *per diem* bill provides that we may take drafts on the assessors and collectors of the various counties. It is known that by this we could possibly get gold and silver for our pay. Then if we are allowed to seize the funds designated, constituting the whole of the special except the general school fund now in the Treasury after having already drawn \$86.95 each, and to take drafts

on assessors and collectors which are or possibly soon would be equivalent to cash, would we not be taking from the vaults of the Treasury every dollar (save the general school fund) now there as well as stop some in the hands of assessors and collectors? And this, too, at a time when no munitions of war can be had except for specie.

Our brave soldiers must be fed and clothed and paid in paper currency while we take gold and silver. Does not sound policy dictate that some money should be left in the Treasury to meet emergencies in this dark and perilous hour of our country's history? Should we take Treasury warrants for pay and make them receivable for taxes and other State dues while there is no law giving others the privilege? Is it not placing ourselves in a more favorable position than other holders of these claims? But the majority say that a bill had already passed the House making these warrants in the hands of holders so receivable. This is true. But are we to say that because a measure passes the House it must *ex necessitate* become law? This measure has been hanging in a very great doubt for a long time and never met the concurrence of both Houses until the last day or two. What would be our condition or that of the State if the Executive shaped his course invariably by the action of the House of Representatives without knowing the determination of the Senate? The effect, though not intended, was to favor ourselves, and the message expressly declares that our intention was good though the consequence was bad. Was our action hasty? On this point the facts are that on the 18th of December a bill was introduced on the subject by the gentleman from Burleson (Mr. Broaddus). From the examination of the House Journal, as well as from the recollection of members, this took place just before adjournment for dinner. Read 1st time; rule suspended; read 2nd time. The gentleman from Smith (Mr. Hays) offered a substitute and moved that the bill and substitute be referred to Finance Committee. Lost. Mr. Bragg then moved to amend by providing that no portion of the funds known as the school fund (including the Sinking Fund) shall be paid out under the provisions of this Act. It was then moved that the bill and amendments be referred to a Select Committee. Adopted. Immediately after dinner the committee reported. Rule was suspended, the bill read 3rd time and passed.

The Executive was doubtless misled by the engrossed bill in the State Department to which he would naturally

go, knowing it was usual to endorse on the bill the steps taken in its passage. The engrossed bill through inadvertence does not show that the bill ever went to committee.

The Executive addresses the House and says that so far as he could learn it was passed through that body under the suspension of the rules without reference to a committee. While he was mistaken as to one fact, he was correct in the general declaration that the bill was passed hastily. There being no money in the Treasury except the general school fund and the sums appropriated by this bill, is it not clear from the foregoing statements and facts that the effect of our action was to exhaust the Treasury and favor ourselves by making our warrants receivable for taxes when there was no law giving the like privilege to others? But the majority say we have the former Legislature for a precedent. This is true but admitting for argument that that Legislature acted rightly, what is expedient at one time is not necessarily so at another. We were not then as now surrounded and threatened on every hand by a relentless foe who knows

“No sweeter music than a dying groan  
Nor lovelier object than a gasping babe.”

We knew not then that we would need every dollar to purchase munitions of war to repel our enemies. But that is no apology. The question is was it right and expedient for us to take these funds under the circumstances? If the former Legislature did a wrong act, if wrong it was, we must not resort to that as a subterfuge and attempt to sanctify a wrong by the action of a grave and responsible body of Legislators. We came not here to vindicate the Executive. He needs no vindication at our hands. But we feel that we who voted against the bill should be heard in reply to the ingenious arguments of the majority. We regret that any action has been had upon this matter. Two departments of government have been brought in conflict. Each has acted up to the time of the final action on the veto within the bounds prescribed by the Constitution. Each has doubtless acted from conscientious motives and with a hope of promoting the best interests of our beloved country. If the Executive thought the bill wrong and detrimental to the interest of the people, it was his right to exercise the power given him. If two-thirds of both Houses thought his action wrong, it was their power to pass the bill, but if the constitutional minor-

ity thought the bill wrong, they had the power to prevent the bill from passing. Thus we are all guarded. The veto power was wisely given to the Executive in order that unwise or hasty legislation might be checked. It is a power that has been exercised by our wisest statesmen. We must expect diversity of sentiment in a country like ours. President Jackson in his veto upon the Maysville Road Bill says that diversity of sentiment among public functionaries, actuated by the same general motives on the character and tendencies of particular measures, is an incident common to all governments and the more to be expected in one which, like ours, owes its existence to the freedom of opinion and must be upheld by the same influence. Controlled as we thus are by a higher tribunal before which our respective acts will be canvassed, with the indulgence due to the imperfections of our nature and with the intelligence and unbiased judgment which are the true correctives of error, all that our responsibility demands is that the public good shall be the measure of our views, dictating alike their frank expression and honest maintenance.

Mr. Tyler in his second bank veto says that "the qualified veto with which the Chief Magistrate was invested should be regarded and was intended by the wise man who made it a part of the Constitution as a great conservative (system) principle in our system without the exercise of which on important occasions a mere representative majority might urge the government in its legislation beyond the limits fixed by its framers or might exert its just powers too hastily or oppressively."

We trust that all parties will let this subject rest. It is one on which we might very reasonably and honestly differ. If the Executive has unintentionally wronged us, we are satisfied that he will gladly have the correction made. And, if we are conscious of having done our duty faithfully, we need not doubt that an honest and intelligent people will sustain us. We care not what disposition is made of these two reports but ask of the two Houses if one by their action is made a record, the other may receive like treatment. Justice to all parties demands that both sides be heard.

George B. Erath,  
one of Senate's committee  
George D. Manion  
Frank E. Williams,  
on part of House of Representatives

The majority report was adopted by the following vote:

YEAS—Messrs. Beasley, Burnett, Casey, Cook, Crawford [sic], Durant, Finlay, Graham, Jordan, Mitchell, Moore, Parsons, Scarborough, and Weatherford—14.

NAYS—Messrs. Boyd, Branch, Crawford, [sic], Erath, Guinn, Harcourt, Houston, Lea, Obenchain, Reed, Shelley, Shepard, and Wheeler—13.

A message was received announcing the passage by the House of the following bills:

A bill for relief of the Texas and New Orleans Railroad Company.

A bill to repeal an Act for the funding of the debt contracted for the protection of the frontier.

A bill for relief of Robert R. Scott.

A bill to amend an Act to establish a penal code for the State of Texas.

A bill to allow citizens of Texas free use of the salines on Padre Island.

A bill to compel the owners of grants of land on Padre Island to have the same recorded.

A bill amending the Act to provide for the assessment and collection of taxes. Read 2nd time and ordered to 3rd reading. Rule suspended, read 3rd time and passed.

A bill to authorize the superintendent of the lunatic asylum to receive Minerva J. Fannin therein. Read 2nd time. Substitute from Committee on State Affairs laid on table, and bill ordered to 3rd reading. Rule suspended, read 3rd time and passed.

A bill to provide funds for military purposes. The Senate adhered to its amendment and appointed Messrs. Lea, Shelley, and Parsons a Committee of Conference.

Messrs. Hartley, Harcourt, and Guinn were appointed a Committee of Conference on the disagreement upon a bill providing a hospital fund for Texas soldiers, &c.

The Committee on Engrossed Bills reported the following correctly engrossed.

A bill to incorporate the Texas Lead Mine Company.

A bill to authorize the Treasurer's clerk to sign the Treasurer's name in certain cases.

The Senate then adjourned until 7 o'clock P. M.

7 o'clock P. M.

Senate met, roll called, quorum present.

A bill for relief of D. Cooper. Read first time. Rule suspended, read 2nd time. Rule further suspended, read 3rd time and passed.

A bill for relief of certain persons hereinafter named. Read 2nd time and ordered to 3rd reading. Rule suspended, read 3rd time and passed.

A bill to provide for the perpetuation of testimony, &c., &c. Read 2nd time and ordered to be engrossed. Rule suspended, read 3rd time and passed.

A message from the House announcing the passage of the following bills:

A bill changing the time of holding courts in the 9th Judicial District.

A bill for the support of the government for the years 1862 and 1863.

The Joint Committee for Free Conference on a bill appropriating money from the State revenue for military purposes and the Senate's substitute therefor, to wit: a bill to appropriate funds for military purposes, has duly performed the duty assigned to it. They respectfully recommend the adoption of a substitute, which is herewith presented for the substitute which the Senate adopted, and its passage.

Mr. Shelley offered the following resolution, which was adopted: "**Resolved**, That 500 copies of the report of the Committee on Finance be printed for the use of the Senate to be paid for out of the contingent fund and that the Secretary of the Senate be required to mail to each Senator his portion of said copies."

Mr. Lea, Chairman of Committee of Conference, made a report on a bill to provide funds for military purposes and recommended the adoption of the Senate's amendment with the following addition: "but in case such Confederate States bond should not be received by the State in amount sufficient to be substituted for the bonds which may be disposed of as aforesaid to the whole extent, then as to any deficiency the amount of any bonds and coupons may be drawn from the Treasury under the provisions of this Act shall stand as a charge against the State in favor of the special school fund with 8 per cent per annum interest thereon and shall hereafter be reimbursed to said fund out of any money that may come into the Treasury not otherwise appropriated."

Mr. Erath offered the following resolution which was adopted: "**Resolved**, That the Secretary be required to forward the letters and documents which may arrive here

after the adjournment of the Senate to the respective members and the same be paid for out of the contingent fund."

The vote refusing to pass the bill for relief of William B. Green was reconsidered and bill passed.

The Committee on Enrolled Bills reported the following correctly enrolled, properly signed and presented to the Governor:

A bill to authorize James W. Flanagan and his associates to construct a bridge across Sabine River.

A bill to authorize the chief clerk in Treasurer's office to sign the Treasurer's name in certain cases.

A bill to amend the 4th and repeal the 6th section of an Act to regulate the public printing.

A bill for relief of Texas and New Orleans Railroad Company.

A bill to incorporate the Texas Lead Mine Company.

A bill to provide for funding of the debt contracted for the protection of the frontier.

A bill for relief of heirs of James H. Denson.

A bill for relief of F. A. Sherman.

A bill to repeal a certain Act herein specified.

A bill for relief of Jarman Carter.

A bill to legalize the acts of Alexander Birdsong, notary public for Panola County.

A bill prohibiting owners or employers of slaves from placing them in charge of farms, &c., detached from home of owner or employer.

A bill to provide arms and ammunition for the military defence of the State.

A bill for relief of companies incorporated for purposes of internal improvement.

A bill changing the time for holding courts in the 9th Judicial District.

A bill to enable the Confederate States to intervene in certain cases, &c.

A bill for relief of Robert R. Scott.

The Committee of Conference on the bill to create a hospital fund reported the adoption of House amendments with an additional proviso.

A bill for relief of John Henderson. Read 2nd time and passed to 3rd reading. Rule suspended, read 3rd time and passed.

The following bills were reported as having passed the House:

A bill to provide for the perpetuation of testimony, &c.

A bill to suspend the Statute of Limitations, &c.

House also adopts reports of Committee of Conference on the bills appropriating money for military purposes.

A bill to protect public property. Read 2nd time and ordered to 3rd reading. Rule suspended, read 3rd time and passed.

A bill making appropriation for the support of the government for 1862 and 1863. Read 1st time. Rule suspended, read 2nd time.

Mr. Weatherford moved to strike out the appropriation of \$3,000 for boring the artesian well. Lost by a vote of 6 to 22.

Mr. Guinn moved to strike out "3" before "clerks" and insert "1." To strike out "2700" and insert "900." Adopted. Rule suspended, read 3rd time and passed.

The bill making appropriations to supply deficiencies was reported from the House. Read 1st time. Rule suspended, read 2nd time. Rule further suspended, read 3rd time and passed.

A bill to authorize the cancellation of patents in certain cases was rejected as recommended by committee.

A bill for relief of Gregorie Simon. Read 2nd time and ordered to 3rd reading. Rule suspended, read 3rd time and passed.

Mr. Erath offered the following resolution, which was adopted: "**Resolved**, That the thanks of the Senate be tendered to the Honorable John M. Crockett for the able and impartial manner in which he has presided over the Senate."

The Committee of Conference on a bill to provide for printing the laws and journals reported that they were unable to agree and asked to be discharged.

A bill granting 30 acres of land to the Carrasco Creek School. Read 2nd time and laid on table.

Mr. Weatherford offered a resolution of thanks to Honorable R. H. Guinn for the able and impartial discharge of the duties of President *pro tempore*. Adopted.

The Committee on Military Affairs reported adversely on a resolution for the purchase of powder.

The House refused to concur in Senate's amendments to the general appropriation bill, whereupon the Senate receded.

A joint resolution to distribute arms to the members of the Legislature was lost on its engrossment.

A bill to punish speculation in certain cases. Read 2nd time and passed to 3rd reading. Rule suspended, read 3rd time and passed.

The House adopted report of Committee of Conference

on the bill to regulate public printing and appointed Messrs. Lindsey, Chalmers, Abney, Elmore, and Willis a 2nd Conference Committee, whereupon a like committee was appointed on the part of the Senate.

A joint resolution relative to the sale of Oldham & White's Digest. Read 2nd time. Rule suspended, read 3rd time and passed.

A bill incorporating the Fort Bend Manufacturing Company. Read 2nd time. Rule suspended, read 3rd time and passed by constitutional majority.

A bill authorizing the County Court of Montague County to have the minutes of the District Court transcribed. Read 2nd time. Rule suspended, read 3rd time and passed.

Messrs. Erath, Harcourt, and Burnett were appointed a committee to inform the Governor that the Legislature was about to adjourn *sine die*, who retired and performed that duty and reported that His Excellency had no further communication to make.

A bill for relief of preemption settlers. Read 2nd time. Rule suspended, read 3rd time and passed.

The Committee of Conference, No. 2, on the bill to regulate public printing reported an agreement. Report adopted.

The following communication received this morning from the Governor was read:

**Gentlemen of the Senate and  
House of Representatives:**

I am again called upon to convey to you the melancholy intelligence of the death of another distinguished citizen of the State of Texas.

The Honorable John Hemphill, one of our members to the Provisional Congress of the Confederate States, is dead. He departed this life on the 4th day of the present month at the city of Richmond, where he was engaged in the active discharge of his duties.

The deceased was one of our most distinguished and worthy citizens—an incorruptible judge, a wise statesman, and as such was honored and trusted with the dearest and most vital interests of the State.

The loss of his wise and mature counsel in these peculiar troublous times will be severely felt when we so much need the entire wisdom and patriotism of the land to successfully carry our country through her present difficulties.

John Hemphill was a patriot. Like the Roman sentinel, he died at his post. The country mourns his untimely death and her great loss.

I am gentlemen,  
Very respectfully,  
F. R. Lubbock

Whereupon Mr. Durant offered the following resolutions:

WHEREAS the Senate has this moment learned by message from the Governor the death of the Honorable John Hemphill, late representative in the Provisional Congress of the Confederate States of America; and

WHEREAS the Senate most deeply deploras this dispensation of Divine Providence and would in solemn reverence bow to its inscrutable demands, yet we cannot forget that one of our noblest sons has fallen; and

WHEREAS it is right and proper and is a time honored privilege to commemorate the memory of him who when living, moving, and acting did in all things contribute by his time, labor, and intellect to the building up and establishing our institutions as they are, and in the front ranks, for the support of which he has fallen and is now **no more;**

**Therefore be it resolved,** That the Senate now in session recognize in the death of the Honorable John Hemphill an irreparable loss—one whose whole life among us as a patriot, jurist, or statesman has been unreservedly devoted to the building up and maintenance of our institutions so that in all things they conduce and conform to the great principles of Constitutional liberty and equality.

**Resolved further,** That as a patriot, a jurist, a scholar or statesman we revere and cherish his memory, and as a fit and proper testimonial of respect and his worth the foregoing be spread upon the journals of the Senate, and that we now adjourn.

Unanimously adopted.